



FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143

In re Application of :
OTA, Toshio *et al* :
Application No.: 10/030,225 :
PCT No.: PCT/JP00/04510 :
Int. Filing Date: 06 July 2000 :
Priority Date Claimed: 08 July 1999 :
Attorney Docket No.: 084335-0153 :
For: GROWTH AND DIFFERENTIATION :
FACTOR :

DECISION

This decision is in response to the papers filed on 21 October 2001 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 27 March 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee pursuant to 37 CFR 1.492(e) must be provided. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 27 June 2002, applicants filed an executed declaration along with a one-month extension of time and fee. However, the name of the fourth named inventor was listed as HIO, Yuri on the declaration while it is listed on the international publication ("WO 01/04312") as KAWAI, Yuri.

On 27 August 2002, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted on 27 June 2002 was not in compliance with 37 CFR 1.497(a) and (b) because there is no documentation to support the inventor's name change.

On 21 October 2002, applicants filed the instant response which was accompanied by, *inter alia*, a "Declaration of Yuri Hio," a four-month extension request, and authorization to charge any additional fee to Deposit Account No. 19-0741.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the Manual of Patent Examining

Procedure (MPEP) lists the procedures required to change the name of an inventor and states, in part:

The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

In the "Declaration of Yuri HIO" submitted with the instant response, both names were listed and signed by the fourth named co-inventor listing the reason for the change of the surname as due to marriage. This is sufficient to satisfy the requirements for a grantable petition.

The petition fee of \$130.00 and five-month extension of time fee of \$1,960 has been paid in part, and charged from Deposit Account No. 19-0741 as authorized. The instant response was submitted five months after the period to respond expired on the Form PCT/DO/EO/905 mailed 27 March 2002.

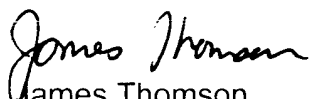
CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.182 is hereby **GRANTED**.

Accordingly, the declaration filed 27 June 2002 complies with the requirements of 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 July 2000, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 27 June 2002.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing


James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457